



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

H.1A

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,261	08/20/2003	Weixun Cao		7334

7590 12/27/2006
Weixun Cao
10175 McLaren Place
Cupertino, CA 95014

EXAMINER

CORRIELUS, JEAN B

ART UNIT	PAPER NUMBER
----------	--------------

2611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/645,261

Applicant(s)

CAO, WEIXUN

Examiner

Jean B. Corrielus

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5-9, 12, 13 and 16 is/are allowed.
- 6) ☒ Claim(s) 11, 14, 22, 23, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 4, 10, 15, 17-21 and 24-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/15/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Claim Objections***

1. Claims 4, 10, 11, 14-15, 17-22, 27-29 are objected to because of the following informalities: claim 4, line 2, after "unit" a limitation such as "to produce a demodulated sample" should be inserted so as to provide antecedent basis for subsequent recitation in the claim. The same comment applies to claim 15. Claim 10 recites "a second input to the voltage controlled oscillator". However, there is no limitation to "a first input to the voltage controlled oscillator". The same comment applies to claim 21. Claim 18 is a method claim, the further limitation recited in the claim is not appropriate for a method claim. The claim should recite further steps not further component. The same comment applies to claims 14-15, 17, 19-22 and 27-28. Claim 27 recites "a phase detector to compare two phase modulated signals". However, it is noted that the phase detector only compare two frequency signals, i.e., "the reference frequency signal and the output of the frequency divider" see fig. 5. Claim 28, "a digital" should be replaced by "said digital" to make use of the antecedent in claim 27. In addition, claim 28 recites "a digital bit stream used to control a reference frequency coupled to an input of the phase detector" however, fig. 5 does not show the digital control bit used to control the reference frequency rather it is the output of the frequency divider that is controlled by the digital data stream. Claim 29, "which is directly" should be replaced by "before being". Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2611

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11, 14, 22, 28, and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 the limitation ""the first" lacks of proper antecedent basis. The comment applies to claim 22.

Claim 14, "the phase equalizer" lacks of proper antecedent basis.

Claim 28, "the phase detector" lacks of proper antecedent basis.

Claim 29 "the controller" lacks of proper antecedent basis; "a phase locked loop" is vague and indefinite as there is an unclear antecedent in claim 23.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sander et al US patent Application Publication S/N US2004/0208157A1 in view of Minoda et al US patent no. 5,661,425.

Sander et al disclose a method and apparatus, see for instance Fig. 12 comprising predistorting a baseband amplitude signal using circuit 1211 and a phase signal using circuit 1213 in accordance with a distortion parameter see paragraphs 0050, 0051, and 0101, in addition, note at paragraph 0050, Sander et al teaches that

Art Unit: 2611

the purpose of the distortion is to correct for non-linearity, it would inherently includes all non-linear devices in the transmitter such as amplifiers and the VCO, frequency offset is also provided by way of circuit 1232; a PLL is provided, responsive to the phase signal see fig.12; modulating the power amplifier 1220 with the amplitude signal and an output coupled from the VCO 1831. However, Sander et al do not teach that the PLL includes phase gain and phase offset. Minoda et al teaches a PLL provided with "phase servo gain" (phase gain) and "phase correction" (phase offset) see inputs to table 15 of fig. 4. Given that fact, it would have been obvious to one skill in the art to incorporate such a teaching in Sander et al in order to correct the PLL clock as taught by Minoda see col. 4, lines 38-39.

Drawings

6. Figures 1-4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Allowable Subject Matter

7. Claims 1-3, 5-9, 12-13, 16 are allowed.


8. Claims 4, 10, 15, 17-21 would be allowable if amended to overcome the objection set forth above.
9. Claims 11, 14, and 22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
10. Claims 24-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
11. Claims 28-29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is 571-272-3020. The examiner can normally be reached on Maxi-Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jean B Corriellus
Primary Examiner
Art Unit 2611

12-21-06